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THE PRESIDENT'S PROTEST.

[Concluded from our last.]

The Constitution makes the House of Representatives the exclusive judges, in the first instance, of the question whether the President has committed an impeachable offence. A majority of the Senate, whose interference with the preliminary question has, for the best of all reasons, been studiously excluded, anticipate the action of the House of Representatives, assume not only the function which belongs exclusively to that body, but convert themselves into accusers, witnesses, council, and judges, and prejudge the whole case. Thus presenting the appalling spectacle, in a free State, of judges going through a labored preparation for an impartial hearing and decision, by a previous *ex parte* investigation and sentence against the supposed offender.

There is no more settled axiom in that Government whence we derived the model of this part of our Constitution, than that "the Lords cannot impeach any to themselves, nor join in the accusation, *because they are judges*." Independently of the general reasons on which this rule is founded, its propriety and importance are greatly increased by the nature of the impeaching power. The power of arraigning the high officers of Government before a tribunal whose sentence may expel them from their seats and brand them as infamous, is eminently a popular remedy—a remedy designed to be employed for the protection of private right and public liberty, against the abuses of injustice and the encroachments of arbitrary power. But the framers of the Constitution were also undoubtedly aware that this formidable instrument had been and might be abused; and that, from its very nature, an impeachment for high crimes and misdemeanors, whatever might be its result, would in most cases be accompanied by so much of dishonor and reproach, solicitude and suffering, as to make the power of preferring it one of the highest solemnity and importance.

It was due to both these considerations, that the impeaching power should be lodged in the hands of those who, from the mode of their election and the tenure of their offices, would most accurately express the popular will, and at the same time be most directly and speedily amenable to the People. The theory of these wise and benignant intentions is, in the present case, effectually defeated by the proceedings of the Senate. The members of that body represent, not the People, but the States; and though they are undoubtedly responsible to the States, yet, from their extended term of service, the effect of that responsibility, during the whole period of that term, must very much depend upon their own impressions of its obligatory force.—When a body thus constituted expresses, before hand, its opinion in a particular case, and thus indirectly invites a prosecution, it not only assumes a power intended, for wise reasons, to be confined to others, but it shields the latter from that exclusive and personal responsibility under which it was intended to be exercised, and reverses the whole scheme of this part of the Constitution.

Such would be some of the objections to this procedure, even if it were admitted that there is just ground for imputing to the President the offences charged in the resolution. But if, on the other hand, the House of Representatives shall be of opinion that there is no reason for charging them upon him, and shall therefore deem it improper to prefer an impeachment, then will the violation of privilege as it respects that House, of justice as it regards the President, and of the Constitution, as it relates to both, be only the more conspicuous and impressive.

The constitutional mode of procedure on an impeachment has not only been wholly disregarded, but some of the first principles of natural right and enlightened jurisprudence have been violated in the very form of the resolution. It carefully abstains from averring in which of "the late proceedings, in relation to the public revenue, the President has assumed upon himself authority and power not conferred by the Constitution and laws." It carefully abstains from specifying *what laws or what parts* of the Constitution have been violated. Why was not the certainty of the offence—"the nature and cause of the accusation"—set out in the manner required in the Constitution, before even the humblest individual, for the smallest crime, can be exposed to condemnation?

Such a specification was due to the accused, that he might direct his defence to the real points of attack; to the people, that they might clearly understand in what particulars their institutions have been violated; and to the truth and certainty of our public annals. As the record now stands, whilst the resolution plainly charges upon the President at least one act of usurpation in "the late executive proceedings in relation to the public revenue," and is so framed that those Senators who believed that one such act, and only one, had been committed, could assent to it; its language is yet broad enough to include several such acts; and so it may have been regarded by some of those who voted for it. But though the accusation is thus comprehensive in the censures it implies, there is no such certainty of time, place, or circumstance, as to exhibit the particular conclusion of fact or law which induced any one Senator to vote for it. And it may well have happened, that, whilst one Senator believed that some particular act embraced in the resolution was an arbitrary and unconstitutional assumption of power; others of the majority may have deemed that very act both constitutional and expedient—or, if not expedient, yet still within the pale of the Constitution.

And thus a majority of the Senators may have been enabled to concur in a vague and undefined accusation, that the President, in the course of "the late executive proceedings in relation to the public revenue," had violated the Constitution and laws; whilst, if a separate vote had been taken in respect to each particular act, included within the general terms, the accusers of the President might, on any such vote, have been found in the minority.

Still further to exemplify this feature of the proceeding, it is important to be remarked, that the resolution, as originally offered to the Senate, specified, with adequate precision, certain acts of the President, which it denounced as a violation of the Constitution and laws; and that it was not until the very close of the debate, and when, perhaps, it was apprehended that a majority might not sustain the specific accusation contained in it, that the resolution was so modified as to assume its present form. A more striking illustration of the soundness and necessity of the rules which forbid vague and indefinite generalities, and require a reasonable certainty in all judicial allegations, and a more glaring instance of the violation of those rules, has seldom been exhibited.

In this view of the resolution, it must certainly be regarded, not as a vindication of any particular provision of the law or the Constitution, but simply as an official rebuke or condemnatory sentence, too general and indefinite to be easily repelled, but yet sufficiently precise to bring into discredit the conduct and motives of the Executive. But whatever it may have been intended to accomplish, it is obvious that the vague, general, and abstract form of the resolution, is in perfect keeping with those other departures from first principles and settled improvements in jurisprudence, so properly the boast of free countries in modern times. And it is not too much to say, of the whole of these proceedings, that if they shall be approved and sustained by an intelligent people, then will that great contest with arbitrary power, which had established in statutes, in bills of rights, in sacred charters, and in constitutions of Government, the right of every citizen to a notice before trial, to a hearing before conviction, and to an impartial tribunal for deciding on the charge, have been waged in vain.

If the resolution had been left in its original form, it is not to be presumed that it could ever have received the assent of a majority of the Senate: for the acts therein specified as violations of the Constitution and laws were clearly within the limits of the Executive authority. They are the "dismissing the late Secretary of the Treasury because he would not, contrary to his sense of his own duty, remove the money of the U. States in deposite with the Bank of the U. States and its branches, in conformity with the President's opinion; and appointing his successor to effect such removal, which has been done." But as no other specification has been substituted, and as these were the "Executive proceedings in relation to the public revenue," principally referred to in the course of the discussion, they will doubtless be generally regarded as the acts intended to be denounced as "an assumption of authority and power not conferred by the Constitution or laws, but in derogation of both." It is therefore due to the occasion, that a condensed summary of the views of the Executive, in respect to them, should be here exhibited.

By the Constitution, "the Executive power is vested in a President of the U. States." Among the duties imposed upon him, and which he is sworn to perform, is that of "taking care that the laws be faithfully executed." Being thus made responsible for the entire action of the Executive Department, it was but reasonable that the power of appointing, overseeing, and controlling those who execute the laws—a power in its nature executive—should remain in his hands. It is, therefore, not only his right, but the Constitution makes it his duty, to "nominate, and by and with the advice and consent of the Senate, appoint," all "officers of the United States whose appointments are not in the Constitution otherwise provided for," with a proviso that the appointment of inferior officers may be vested in the President alone, in the Courts of Justice, or in the Heads of Departments.

The Executive power vested in the Senate, is neither that of "nominating" nor "appointing." It is merely a check upon the Executive power of appointment. If individuals proposed for appointment by the President, are by them deemed incompetent or unworthy, they may withhold their consent, and the appointment cannot be made.—They check the action of the Executive, but cannot, in relation to those very subjects, act themselves, nor direct him. Selections are still made by the President, and the negative given to the Senate, without diminishing his responsibility, furnishes an additional guarantee to the country that the subordinate executive, as well as the judicial offices, shall be filled with worthy and competent men.

The whole Executive power being vested in the President, who is responsible for its exercise, it is a necessary consequence, that he should have a right to employ agents of his own choice to aid him in the performance of his duties, and to discharge them when he is no longer willing to be responsible for their acts. In strict accordance with this principle, the power of removal, which, like that of appointment, is an original Executive power, is left unchecked by the Constitution in relation to all Executive officers, for whose conduct the President is responsible, while it is taken from him in relation to judicial officers, for whose acts he is not responsible. In the Government from which many of the fundamental principles of our system are derived, the Head of the Executive Department originally had power to appoint and remove at will all officers, Executive and Judicial. It was to take the Judges out of this general power of removal, and thus make them independent of the Executive, that the tenure of their offices was changed to good behaviour. Nor is it conceivable why they are placed, in our Constitution, upon a tenure different from that of all other officers appointed by the Executive, unless it be for the same purpose.

But if there were any just ground for doubt on the face of the Constitution, whether all Executive officers are removable at the will of the President, it is obviated by the cotemporaneous construction of the instrument, and the uniform practice under it.

The power of removal was a topic of solemn debate in the Congress of 1789, while organizing the administrative departments of the Government, and it was finally decided that the President derived from the Constitution the power of removal, so far as it regards that department for whose acts he is responsible. Although the debate covered the whole ground, embracing the Treasury as well as all the other Executive Departments, it arose on a motion to strike out of the bill to establish a Department of Foreign Affairs, since called the Department of State, a clause declaring the Secretary "to be removable from office by the President of the United States." After that motion had been decided in the negative, it was perceived that these words did not convey the sense of the House of Representatives in relation to the true source of the power of removal. With the avowed object of preventing any future inference that this power was exercised by the President in virtue of a grant from Congress, when in fact that body considered it as derived from the Constitution, the words which had been the subject of debate were struck out, and in lieu thereof a clause was inserted in a provision concerning the Chief Clerk of the Department, which declared that "whenever the said principal officer shall be removed from office by the President of the United States, or in any other case of vacancy," the Chief Clerk should, during such vacancy, have charge of the papers of the office. This change having been made for the express purpose of declaring the sense of Congress, that the President derived the power of removal from the Constitution, the Act as it passed has always been considered as a full expression of the sense of the Legislature on this important part of the American Constitution.

Here then we have the concurrent authority of President Washington, of the Senate, and the House of Representatives, numbers of whom had taken an active part in the Convention which framed the Constitution, and in the State conventions which adopted it, that the President derived an unqualified power of removal from that instrument itself, which is "beyond the reach of Legislative authority." Upon this principle the Government has now been steadily administered for about forty-five years, during which there have been numerous removals made by the President or by his direction, embracing every grade of Executive officers, from the Heads of Departments to the messengers of Bureaus.

The Treasury Department, in the discussions of 1789, was considered on the same footing as the other Executive Departments, and in the Act establishing it, the precise words were incorporated, indicative of the sense of Congress, that the President derives his power to remove the Secretary, from the Constitution, which appear in the Act establishing the Department of Foreign Affairs. An Assistant Secretary of the Treasury was created, and it was provided that he should take charge of the books and papers of the Department "whenever the Secretary shall be *removed* from office by the President of the United States." The Secretary of the Treasury being appointed by the President, and being considered as constitutionally removable by him, it appears never to have occurred to any one in the Congress of 1789, or since, until very recently, that he was other than an Executive officer, the mere instrument of the Chief Magistrate in the execution of the laws, subject, like all other Heads of Departments, to his supervision and control. No such idea as an officer of the Congress can be found in the Constitution, or appears to have suggested itself to those who organized the Government. There are officers of each House, the appointment of which is authorized by the Constitution, but all officers referred to in that instrument, as coming within the appointing power of the President, whether established thereby, or created by law, are "officers of the United States." No joint power of appointment is given to the two Houses of Congress, nor is there any accountability to them as one body: but as soon as any officer is created by law, of whatever name or character, the appointment of the person or persons to fill it, devolves, by the Constitution, upon the President with the advice and consent of the Senate, unless it be an inferior officer, and the appointment be vested by the law itself "in the President alone, in the courts of law, or in the Heads of Departments."

But at the time of the organization of the Treasury Department, an incident occurred which distinctly evinces the unanimous concurrence of the first Congress in the principle that the Treasury Department is wholly executive in its character and responsibilities. A motion was made to strike out the provision of the bill making it the duty of the Secretary "to digest and report plans for the improvement and management of the revenue, and for the support of public credit," on the ground that it would give the Executive Department of the Government too much influence and power in Congress. The motion was not opposed on the ground that the Secretary was the officer of Congress, and responsible to that body, which would have been conclusive, if admitted, but on other grounds, which conceded his Executive character throughout.

The whole discussion evinces an unanimous concurrence in the principle that the Secretary of the Treasury is wholly an Executive officer, and the struggle of the minority was to restrict his power as such. From that time down to the present, the Secretary of the Treasury, the Treasurer, Register, Comptrollers, Auditors, and Clerks, who fill the offices of that department, have, in the practice of the Government, been considered and treated as on the same footing with corresponding grades of officers in all the other Executive Departments.

The custody of the public property, under such regulations as may be prescribed by legislative authority, has always been considered an appropriate function of the Executive Department in this and all other Governments. In accordance with this principle, every species of property belonging to the United States, (excepting that which is in the use of the several co-ordinate departments of the Government, as means to aid them in performing their appropriate functions,) is in charge of officers appointed by the President, whether it be lands, or buildings, or merchandize, or provisions, or clothing, or arms and munitions of war. The superintendents and keepers of the whole are appointed by the President, and removable at his will.

Public money is but a species of public property. It cannot be raised by taxation or customs, nor brought into the treasury in any other way, except by law; but whenever or howsoever obtained, its custody always has been, and always must be, unless the Constitution be changed, intrusted to the Executive Department. No officer can be created by Congress for the purpose of taking charge of it, whose appointment would not, by the Constitution, at once devolve on the President, and who would not be responsible to him for the faithful performance of his duties. The legislative power may undoubtedly bind him and the President, by any laws they may think proper to enact; they may prescribe in what place particular portions of the public money shall be kept, and for what reason it shall be removed, as they may direct that supplies for the army or navy shall be kept in particular stores; and it will be the duty of the President to see that the law is faithfully executed—yet will the custody remain in the Executive Department of the Government. Were the Congress to assume, with or without a legislative act, the power of appointing officers, independently of the President, to take the charge and custody of the public property contained in the military and naval arsenals, magazines and store-houses, it is believed that such an act would be regarded by all as a palpable usurpation of executive power, subversive of the form as well as the fundamental principles of our Government. But where is the difference, in principle, whether public property be in the form of arms, munitions of war, and supplies, or in gold and silver, or Bank notes? None can be perceived—none is believed to exist. Congress cannot, therefore, take out of the hands of the Executive Department the custody of the public property or money, without an assumption of executive power, and a subversion of the first principles of the Constitution.

The Congress of the United States have never passed an act imperatively directing that the public moneys shall be kept in any particular place or places. From the origin of the Government to the year 1816, the statute book was wholly silent on the subject. In 1789, a Treasurer was created, subordinate to the Secretary of the Treasury, and through him to the President. He was required to give bond, safely to keep and faithfully to disburse the public moneys, without any direction as to the manner or places in which they should be kept. By reference to the pratice of the Government, it is found, that from its first organization, the Secretary of the Treasury, acting under the supervision of the President, designated the places in which the public moneys should be kept, and specially directed all transfers from place to place. This practice was continued, with the silent acquiescence of Congress, from 1789 down to 1816, and although many Banks were selected and discharged, and although a portion of the moneys were first placed in the State Banks, and then in the former Bank of the United States, and upon the dissolution of that, were again transferred to the State Banks, no legislation was thought necessary by Congress, and all the operations were originated and perfected by executive authority. The Secretary of the Treasury, responsible to the President, and with his approbation, made contracts and arrangements in relation to the whole subject matter, which was thus entirely committed to the direction of the President, under his responsibilities to the American people, and to those who were authorized to impeach and punish him for any breach of this important trust.

The act of 1816, establishing the Bank of the United States, directed the deposites of public money to be made in that Bank and its branches, in places in which the said Bank and branches thereof may be established, "unless the Secretary of the Treasury should otherwise order and direct," in which event, he was required to give his reasons to Congress. This was but a continuation of his pre-existing powers as the head of an Executive Department, to direct where the deposites should be made, with the superadded obligation of giving his reasons to Congress for making them elsewhere than in the Bank of the United States and its branches. It is not to be considered that this provision in any degree altered the relation between the Secretary of the Treasury and the President, as the responsible head of the Executive Department, or released the latter from his constitutional obligation to "take care that the laws be faithfully executed." On the contrary, it increased his responsibilities, by adding another to the long list of laws which it was his duty to carry into effect.

It would be an extraordinary result, if, because the person charged by law with a public duty, is one of the Secretaries, it were less the duty of the President to see that law faithfully executed, than other laws enjoining duties upon subordinate officers or private citizens. If there be any difference, it would seem that the obligation is the stronger in relation to the former, because the neglect is in his presence, and the remedy at hand.

It cannot be doubted that it was the legal duty of the Secretary of the Treasury to order and direct the deposites of the public money to be made elsewhere than in the Bank of the United States, *whenever sufficient reasons existed for making the change*. If, in such a case, he neglected or refused to act, he would neglect or refuse to execute the law. What would then be the sworn duty of the President? Could he say that the Constitution did not bind him to see the law faithfully executed, because it was one of his Secretaries, and not himself, upon whom the service was specially imposed? Might he not be asked whether there was any such limitation to his obligations prescribed in the Constitution?—whether he is not equally bound to take care that the laws be faithfully executed—whether they impose duties on the highest officer of the State, or the lowest subordinate in any of the departments? [illegible] told, that it was for the sole [illegible] executive officers, from [illegible] faithfully to perform [illegible] by law, [illegible] made him their Chief Magistrate [illegible] tution has clothed him with [illegible] power of this Government? [illegible] implied in these questions appear too plain to need elucidation.

But here, also, we have a cotemporaneous construction of the Act, which shows that it was not understood as in any way changing the relations between the President and Secretary of the Treasury, or as placing the latter out of Executive control, even in relation to the deposites of the public money. Nor on this point are we left to any equivocal testimony. The documents of the Treasury Department show that the Secretary of the Treasury did apply to the President, and obtained his approbation and sanction to the original transfer of the public deposites to the present Bank of the United States, and did carry the measure into effect in obedience to his decision. They also show that transfers of the public deposites from the Branches of the Bank of the United States to State Banks, at Chillicothe, Cincinnati, and Louisville, in 1819, were made with the approbation of the President, and by his authority. They show, that upon all important questions [illegible] to his department, whether [illegible] deposites or other matters, [illegible] practice of the Secretary of the Treasury to [illegible] for his acts the approval and sanction of the President.

These acts and the principles [illegible] which they were founded, were known to all the departments of the Government, to Congress, and the country; and, until very recently, appear never to have been called in question.

Thus was it settled by the Constitution, the laws, and the whole practice of the Government, that the entire executive power is vested in the President of the United States; that, as incident to that power, the right of appointing and removing those officers who are to aid him in the execution of the laws, with such restrictions only as the Constitution prescribes, is vested in the President; that the Secretary of the Treasury is one of those officers; that the custody of the public property and money is an Executive function, which, in relation to the money, has always been exercised through the Secretary of the Treasury and his subordinates; that, in the performance of those duties, he is subject to the supervision and control of the President, and in all important measures having relation to them, consults the Chief Magistrate, and obtains his approval and sanction; that the law establishing the Bank did not, as it could not, change the relation between the President and the Secretary, did not release the former [illegible] the law faithfully executed, nor the latter from the President's supervision and control; that afterwards, and before, the Secretary did in fact consult, and obtain the sanction of the President, to transfers and removals of the public deposites, and that all departments of the Government, and the nation itself, approved or acquiesced in these acts and principles, as in strict conformity with our Constitution and laws.

During the last year, the approaching termination, according to the provisions of its charter, and the solemn decision of the American people, of the Bank of the United States, made it expedient, and its exposed abuses and corruptions made it, in my opinion, the duty of the Secretary of the Treasury, to place the moneys of the United States in other depositories. The Secretary did not concur in that opinion, and declined giving the necessary order and direction. So glaring were the abuses and corruptions of the Bank, so evident its fixed purpose to perseverance in them, and so palpable its design, by its money and power, to control the Government and change its character, that I deemed it the imperative duty of the Executive authority, by the exertion of every power confided to it by the Constitution and laws, to check its career, and lessen its ability to do mischief, even in the painful alternative of dismissing the Head of one of the Departments. At the time the removal was made, other causes sufficient to justify it existed, but if they had not, the Secretary would have been dismissed for this cause only.

His place I supplied by one whose opinions were well known to me, and whose frank expression of them, in another situation, and whose sacrifices of interest and feeling, when unexpectedly called to the station he now occupies, ought forever to have shielded his motives from suspicion, and his character from reproach. In accordance with the opinions long before expressed by him, he proceeded, with my sanction, to make arrangements for depositing the monies of the United States in other safe institutions.

The resolution of the Senate, as originally framed, and as passed, if it refers to these acts, presupposes a right in that body to interfere with this exercise of Executive power. If the principle be once admitted, it is not difficult to see where it may end. If, by a mere denunciation like this resolution, the President should ever be induced to act, in a matter of official duty, contrary to the honest convictions of his own mind, in compliance with the wishes of the Senate, the constitutional independence of the Executive Department would be as effectually destroyed, and its power as effectually transferred to the Senate, as if that end had been accomplished by an amendment of the Constitution. But if the Senate have a right to interfere with the Executive powers, they have also the right to make that interference effective; and if the assertion of the power implied in the resolution, be silently acquiesced in, we may reasonably apprehend that it will be followed, at some future day, by an attempt at actual enforcement. The Senate may refuse, except on [illegible] will surrender his opinions [illegible] will, to perform their own [illegible] to pass the necessary laws; to [illegible] tions proposed by the House of [illegible]

and to confirm proper nominations made by the President. It has already been maintained (and it is not conceivable that the resolution of the Senate can be based on any other principle) that the Secretary of the Treasury is the officer of Congress, and independent of the President: that the President has no right to control him, and consequently none to remove him. With the same propriety, and on similar grounds, may the Secretary of State, the Secretaries of War, and the Navy, and the Postmaster General, each in succession, be declared independent of the President, the subordinates of Congress, and removable only with the concurrence of the Senate. Followed to its consequences, this principle will be found effectually to destroy one co-ordinate department of the Government, to concentrate in the hands of the Senate the whole Executive power, and to leave the President as powerless as he would be useless—the shadow of authority, after the substance had departed.

The time and the occasion which have called forth the resolution of the Senate, seem to impose upon me an additional obligation not to pass it over in silence. Nearly forty-five years had the President exercised, without a question as to his rightful authority, those powers for the assumption of which he is now denounced. The vicissitudes of peace and war had attended our Government; violent parties, watchful to take advantage of any seeming usurpation on the part of the Executive, had distracted our counsels; frequent removals, or forced resignations, in every sense tantamount to removals, had been made of the Secretary and other officers of the Treasury; and yet, in no one instance is it known that any man, whether patriot or partisan, had raised his voice against it as a violation of the Constitution. The expediency and justice of such changes, in reference to public officers of all grades, have frequently been the topics of discussion; but the constitutional right of the President to appoint, control, and remove the head of the Treasury, as well as all other departments, seems to have been universally conceded. And what is the occasion upon which other principles have been first officially asserted? The Bank of the United States, a great moneyed monopoly, had attempted to obtain a renewal of its charter, by controlling the elections of the people and the action of the Government. The use of its corporate funds and powers, in that attempt, was fully disclosed: and it was made known to the President that the corporation was putting in train the same course of measures, with the view of making another vigorous effort, through an interference in the elections of the people, to control public opinion and force the Government to yield to its demands. This, with its corruption of the press, its violation of its charter, its exclusion of the Government Directors from its proceedings, its neglect of duty, and arrogant pretensions, made it, in the opinion of the President, incompatible with the public interest and safety of our institutions, that it should be longer employed as the fiscal agent of the Treasury. A Secretary of the Treasury, appointed in the recess of the Senate, who had not been confirmed by that body, and whom the President might or might not, at his pleasure, nominate to them, refused to do what his superior in the Executive Department considered the most imperative of his duties, and became in fact, however innocent his motive, the protector of the Bank. And on this occasion it is discovered, for the first time, that those who framed the Constitution misunderstood it; that the first Congress and all its successors have been under a delusion; that the practice of forty-five years, is but a continued usurpation; that the Secretary of the Treasury is not responsible to the President; and that to remove him is a violation of the Constitution and laws, for which the President deserves to stand forever dishonored on the Journals of the Senate.

There are also some other circumstances connected with the discussion and passage of the resolution, to which I feel it to be not only my right, but my duty, to refer. It appears, by the Journals of the Senate, that among the twenty-six Senators who voted for the resolution on its final passage, and who had supported it in debate, in its original form, were one of the Senators from the State of Maine, the two Senators from New Jersey, and one of the Senators from Ohio. It also appears, by the same journal, and the files of the Senate, that the Legislatures of these States had severally expressed their opinions in respect to the Executive proceedings drawn in question before the Senate.

The two branches of the Legislature of the State of Maine, on the 25th of January, 1834, passed a preamble and a series of resolutions in the following words:

"Whereas, at an early period after the election of Andrew Jackson to the Presidency, in accordance with the sentiments which he had uniformly expressed, the attention of Congress was called to the constitutionality and expediency of the renewal of the charter of the United States Bank: And whereas, the Bank has transcended its chartered limits in the management of its business transactions, and has abandoned the object of its creation, by engaging in political controversies, by wielding its power and influence to embarrass the administration of the General Government, and by bringing insolvency and distress upon the commercial community: And whereas, the public security from such an institution consists less in its present pecuniary capacity to discharge its liabilities, than in the fidelity with which the trusts reposed in it have been executed: And whereas, the abuse and misapplication of the powers conferred, have destroyed the confidence of the public in the officers of the Bank, and demonstrated that such powers endanger the stability of republican institutions: Therefore,

Resolved, That in the removal of the Public Deposites from the Bank of the United States, as well as in the manner of their removal, we recognize in the administration an adherence to constitutional rights, and the performance of a public duty.

"*Resolved*, That this Legislature entertain the same opinion as heretofore expressed by preceding Legislatures of this State, that the Bank of the United States ought not to be re-chartered.

"*Resolved*, That the Senators of this State in the Congress of the United States be instructed, and the Representatives be requested, to oppose the restoration of the Deposites to, and the renewal of the charter of, the United States Bank."

On the 11th of January, 1834, the House of Assembly and Council composing the Legislature of the State of New Jersey, passed a preamble and a series of resolutions in the following words:

"Whereas, the present crisis in our public affairs calls for a decided expression of the voice of the people of this State: And whereas, we consider it the undoubted right of the Legislatures of the several States to instruct those who represent their interests in the councils of the nation, in all matters which intimately concern the public weal, and may affect the happiness or well being of the people: Therefore,

"1. *Be it Resolved by the Council and General Assembly of this State*, That, while we acknowledge, with feelings of devout gratitude, our obligations to the great Ruler of nations for his mercies to us as a people, that we have been preserved alike from foreign war, from the evils of internal commotions, and the machinations of designing and ambitious men, who would prostrate the fair fabric of our Union; that we ought, nevertheless, to humble ourselves in His presence, and implore His aid for the perpetuation of our republican institutions, and for a continuance of that unexampled prosperity which our country has hitherto enjoyed.

"2. *Resolved*, That we have undiminished confidence in the integrity and firmness of the venerable patriot who now holds the distinguished post of Chief Magistrate of this nation, and whose purity of purpose and elevated motives have so often received the unqualified approbation of a large portion of his fellow-citizens.

"3. *Resolved*, That we view with agitation and alarm the existence of a great money incorporation, which threatens to embarrass the operations of the Government, and by means of its unbounded influence upon the currency of the country, to scatter distress and ruin throughout the community; and that we, therefore, solemnly believe the present Bank of the U. States ought not to be re-chartered.

"4. *Resolved*, That our Senators in Congress be instructed, and our members of the House of Representatives be requested, to sustain, by their votes and influence, the course adopted by the Secretary of the Treasury, Mr. Taney, in relation to the Bank of the United States and the deposites of the Government moneys, believing, as we do, the course of the Secretary to have been constitutional, and that the public good required its adoption.

"5. *Resolved*, That the Governor be requested to forward a copy of the above resolutions to each of our Senators and Representatives from this State in the Congress of the United States.

On the 21st day of February last, the Legislature of the same State reiterated the opinions and instructions before given, by joint resolutions, in the following words:

"*Resolved, by the Council and General Assembly of the State of New Jersey*, That they do adhere to the resolutions passed by them on the 11th day of January last, relative to the President of the U. States, the Bank of the United States, and the course of Mr. Taney, in removing the Government deposites.

"*Resolved*, That the Legislature of New Jersey have not seen any reason to depart from such resolutions since the passage thereof; and it is their wish that they should receive from our Senators and Representatives in the Congress of the United States, that attention and obedience which are due to the opinions of a Sovereign State, openly expressed in its legislative capacity.

On the 2d January, 1834, the Senate and House of Representatives, composing the Legislature of Ohio, passed a preamble and resolutions, in the following words:

"Whereas there is reason to believe that the Bank of the United States will attempt to obtain a renewal of its charter at the present session of Congress: And whereas it is abundantly evident that said Bank has exercised powers derogatory to the spirit of our free institutions, and dangerous to the liberties of these United States: And whereas there is just reason to doubt the constitutional power of Congress to grant acts of incorporation for Banking purposes out of the District of Columbia: And whereas, we believe the proper disposal of the public lands to be of the utmost importance to the people of these United States, and that honor and good faith require their equitable distribution: Therefore

"*Resolved by the General Assembly of the State of Ohio*, That we consider the removal of the public deposites from the Bank of the United States as required by the best interests of our country; and that a proper sense of public duty imperiously demanded that that institution should be no longer used as a depository of the public funds.

"*Resolved*, also, That we view with decided disapprobation, the renewed attempts in Congress to secure the passage of the bill providing for the disposal of the public domain upon the principles proposed by Mr. Clay, inasmuch as we believe that such a law would be unequal in its operations, and unjust in its results.

"*Resolved*, also, That we heartily approve of the principles set forth in the late veto message upon that subject, and,

"*Resolved*, That our Senators in Congress be instructed, and our Representatives requested, to use their influence to prevent the rechartering of the Bank of the United States; to sustain the administration in its removal of the public deposites; and to oppose the passage of a land bill containing the principles adopted in the act upon that subject, passed at the last session of Congress.

"*Resolved*, That the Governor be requested to transmit copies of the foregoing preamble and resolutions to each of our Senators and Representatives."

It is thus seen that four Senators have declared by their votes that the President, in the late executive proceedings in relation to the revenue, had been guilty of the impeachable offence of "assuming upon himself authority and power not conferred by the Constitution and laws, but in derogation of both," whilst the Legislatures of their respective States had deliberately approved those very proceedings, as consistent with the Constitution, and demanded by the public good. If these four votes had been given in accordance with the sentiments of the Legislatures, as above expressed, there would have been but twenty-four votes out of forty-six for censuring the President and the unprecedented record of his conviction could not have been placed upon the journals of the Senate.

In thus referring to the resolutions and instructions of the State Legislatures, I disclaim and repudiate all authority or design to interfere with the responsibility due from members of the Senate to their own consciences, their constituents, and their country. The facts now stated belong to the history of these proceedings, and are important to the just development of the principles and interests involved in them, as well as to the proper vindication of the Executive Department; and with that view, and that view only, are they here made the topic of remark.

The dangerous tendency of the doctrine which denies to the President the power of supervising, directing, and removing the Secretary of the Treasury, in like manner with the other executive officers, would soon be manifest in practice, were the doctrine to be established. The President is the direct Representative of the American People, but the Secretaries are not. If the Secretary of the Treasury be independent of the President in the execution of laws, then there is no direct responsibility of the people of that important branch of this Government, to which is committed the care of the national finances. And it is in the power of the Bank of the United States, or any other corporation, body of men, or individuals, if a Secretary shall be found to accord with them in opinion, or can be induced in practice to promote their views, to control, through him, the whole action of the Government, (so far as it is exercised by his department,) in defiance of the Chief Magistrate elected by the people and responsible to them.

But the evil tendency of the particular doctrine adverted to, though sufficiently serious, would be as nothing in comparison with the pernicious consequences which would inevitably flow from the approbation and allowance by the people, and the practice by the Senate, of the unconstitutional power of arraigning and censuring the official conduct of the Executive, in the manner recently pursued. Such proceedings are eminently calculated to unsettle the foundations of the Government; to disturb the harmonious action of its different departments; and to break down the checks and balances by which the wisdom of its framers sought to ensure its stability and usefulness.

The honest differences of opinion which occasionally exist between the Senate and the President, in regard to matters in which both are obliged to participate, are sufficiently embarrassing.—But if the course recently adopted by the Senate shall hereafter be frequenty pursued, it is not only obvious that the harmony of the relations between the President and the Senate will be destroyed, but that other and graver effects will ultimately ensue. If the censures of the Senate be submitted to by the President, the confidence of the people in his ability and virtue, and the character and usefulness of his administration, will soon be at an end, and the real power of the Government will fall into the hands of a body holding their offices for long terms, not elected by the People, and not to them directly responsible. If, on the other hand, the illegal censures of the Senate should be resisted by the President, collisions and angry controversies might ensue, discreditable in their progress, and in the end compelling the people to adopt the conclusion, either that their Chief Magistrate was unworthy of their respect, or that the Senate was chargeable with calumny and injustice. Either of these results would impair public confidence in the perfection of the system, and lead to serious alterations of its frame work, or to the practical abandonment of some of its provisions.

The influence of such proceedings on the other Departments of the Government, and more especially on the States, could not fail to be extensively pernicious. When the judges in the last resort of official conduct, themselves overleap the bounds of their authority, as prescribed by the Constitution, what general disregard of its provisions might not their example be expected to produce? And who does not perceive that such contempt of the Federal Constitution, by one of its most important departments, would hold out the strongest temptation to resistance on the part of the State sovereignties, whenever they shall suppose their just rights to have been invaded? Thus all the independent departments of the Government, and the States which compose our confederated Union, instead of attending to their appropriate duties, and leaving those who may offend, to be reclaimed or punished in the manner pointed out in the Constitution, would fall to mutual crimination and recrimination, and give to the people confusion and anarchy, instead of order and law; until at length some form of aristocratic power would be established on the ruins of the Constitution, or the States be broken into separate communities.

Far be it from me to charge or insinuate that the present Senate of the United States intend, in the most distant way, to encourage such a result. It is not of their motives or designs, but only of the tendency of their acts, that it is my duty to speak. It is, if possible, to make Senators themselves sensible of the danger which lurks under the precedent set in their resolution; and at any rate to perform my duty, as the responsible Head of one of the co-equal departments of the Government, that I have been compelled to point out the consequences to which the discussion and passage of the resolution may lead, if the tendency of the measure be not checked in its inception.

It is due to the high trust with which I have been charged; to those who may be called to succeed me in it; to the representatives of the people, whose constitutional prerogative has been unlawfully assumed; to the people and to the States; and to the Constitution they have established; that I should not permit its provisions to be broken down by such an attack on the Executive Department, without at least some effort "to preserve, protect and defend," them. With this view, and with the reasons which have been stated, I do hereby SOLEMNLY PROTEST against the aforementioned proceedings of the Senate, as unauthorized by the Constitution; contrary to its spirit and to several of its express provisions; subversive of that distribution of the powers of the Government which it has ordained and established; destructive to the checks and safeguards by which those powers were intended, on the one hand, to be controlled, and on the other hand to be protected; and calculated, by their immediate and collateral effects, by their character and tendency, to concentrate in the hand of a body not directly amenable to the people, a degree of influence and power dangerous to their liberties, and fatal to the Constitution of their choice.

The resolution of the Senate contains an imputation upon my private as well as upon my public character; and as it must stand forever on their journals, I cannot close this substitute for that defence which I have not been allowed to present in the ordinary form, without remarking, that I have lived in vain, if it be necessary to enter into a formal vindication of my character and purposes from such an imputation. In vain do I bear upon my person enduring memorials of that contest in which American liberty was purchased—in vain have I since periled property, fame, and life, in defence of the rights and privileges so dearly bought—in vain am I now, without a personal aspiration, or the hope of individual advantage, encountering responsibilities and dangers, from which, by mere inactivity in relation to a single point, I might have been exempt—if any serious doubt can be entertained as to the purity of my purposes and motives. If I had been ambitious, I should have sought an alliance with that powerful institution, which even now aspires to no divided empire. If I had been venal, I should have sold myself to its designs—had I preferred personal comfort and official ease to the performance of my arduous duty, I should have ceased to molest it. In the history of conquerors and usurpers, never, in the fire of youth, nor in the vigor of manhood, could I find an attraction to lure me from the path of duty; and now, I shall scarcely find an inducement to commence the career of ambition, when gray hairs and a decaying frame, instead of inviting to toil and battle, call me to the contemplation of other worlds, where conquerors cease to be honored, and usurpers expiate their crimes.

The only ambition I can feel, is to acquit myself to Him to whom I must soon render an account of my stewardship, to serve my fellow-men, and live respected and honored in the history of my country. No; the ambition which leads me on, is an anxious desire and a fixed determination to return to the people, unimpaired, the sacred trust they have confided to my charge—to heal the wounds of the Constitution, and preserve it from further violation; to persuade my countrymen, so far as I may, that it is not in a splendid Government, supported by powerful monopolies and aristocratical establishments, that they will find happiness, or their liberties protection; but in a plain system, void of pomp—protecting all, and granting favors to none—dispensing, its blessings, like the dews of Heaven, unseen and unfelt, save in the freshness and beauty they contribute to produce. It is such a Government that the genius of our people requires—such one only under which our States may remain, for ages to come, united, prosperous, and free. If the Almighty Being who has hitherto sustained and protected me, will but vouchsafe to make my feeble powers instrumental to such a result, I shall anticipate with pleasure the place to be assigned me in the history of my country, and die contented with the belief that I have contributed, in some small degree, to increase the value and prolong the duration of American Liberty.

To the end that the resolution of the Senate may not be hereafter drawn into precedent, with the authority of silent acquiescence on the part of the Executive Department; and to the end, also, that my motives and views in the Executive proceedings denounced in that resolution, may be known to my fellow-citizens, to the world, and to all posterity, I respectfully request that this message and protest may be entered at length on the Journal of the Senate.

ANDREW JACKSON.

April 15, 1834.

FIAT JUSTITIA — RUAT CŒLUM.

Western Carolinian.

SALISBURY:

SATURDAY::::::::::::MAY 24, 1834.

☞ What with the scarcity of corn, the "removal of the deposites," and the removal of their *patrons!* this is *going to be* a hard season, we fear, upon Editors in North Carolina.

We have already heard the complaints of some of our brethren; and, as "misery loves company," we can tell them that we too have lately received a few very pithy epistles from Postmasters, informing us that our subscribers, Mr. Sneak and Mr. Sly, have "moved off, and you had best stop their papers." And the worst of it is, these tidings are received without the consolatory accompaniments of *the needfu'*.

We would not have it thought that we are lamenting the loss of so many *honorable* and *useful* citizens on our *own account*. It is for the State we grieve!—For Editors have no more right to complain of the derelictions of their *patrons*, than the poor mechanics of borrowed capital have to blame the removal of the deposites for their disasters. "Let these borrowers break!" says the President. And, Let these Editors live upon type-*pi* and printers' ink! say our liberal runaway subscribers.

No class of white men in society are so emphatically the servants of the "Sovereign People," as Editors of newspapers. They have to labor for all sorts of people, and put up with every kind of neglect and abuse. A great many subscribers seem to think that there is no reciprocal obligation between themselves and Editors; and it frequently happens that those who are the hardest to please are the slowest to pay.

Suppose the whole fraternity of Editors throughout the Union should, upon a signal which might easily be given by the numerous Heralds, Telegraphs, &c., suddenly cease from their labors. Only think what an awful eclipse would cover the land! It would be worse than a drought in July: for it would derange the whole economy of the nation. We do not advise the *immediate* adoption of this extreme measure, but merely allude to it as a thing that is practicable in order to open the eyes of the blind to their dependence upon us manufacturers of moral light.

For the present we will content ourselves with a simple PROTEST, (as protests are the fashion of the day,)—fully determined, however, that, if every other means should fail to bring *us* the necessary supplies, we will then resort to the *ultima ratio* of Editorial sovereignty, by withholding supplies from our *patrons*.

EMIGRATION.

Heretofore the tide of emigration from this State to the west and the southwest has been periodical, but now it has become constant, and flows with continually increasing magnitude.

This is probably owing to the extreme scarcity of grain, which causes a great many to break off before the Fall, the usual season for moving.

There was, some years ago, in this county, a newly-married couple, the better half of which was remarkably fond of sugar, and considered *store-keeping* as the *ne plus ultra* of human respectability and happiness.—She said, one day, she wished there was no body in the State but her and Davy, (her husband;) they would then *keep store and eat sugar*. Despairing of realizing the wish here, they went to Tennessee, allured by the hopes that, if they could not keep store there, they might *any how* get plenty of maple sugar. We have understood that they have not yet reached the grand acme of their sublunary bliss; but, if they live a little longer, and things continue to go on here as they now do, the pair may find in North Carolina a clear field for store-keeping, without any opposition.

But really this is no subject to joke about. Our poor old State, our good old *unpretending* State, is undergoing a depletion which, unless checked, will prove fatal to the body politic.

We do conscientiously believe that there is but one course of treatment that can be relied on for her restoration, and that is, in the first place, an *alterative*. We must begin by effecting a radical change in the Constitution. We must next prosecute an enlightened system of Internal Improvement. And last, though not least, we must establish schools throughout the State.

These three great objects of State policy are not named in the order of their comparative importance, but in the order in which we think they must, if at all, be accomplished. As far as practicable, we are willing to see them going forward *pari passu*; but it seems to us it would be best to begin "at the stump," clear the way, and take a fair start without the impediments of our present Constitution.

If the People of North Carolina were all instructed sufficiently to see their own true interest, they *would* amend the Constitution; they *would* have greater facilities for getting their produce to market; and they *would* have schools in abundance for educating their children. Are there not enough enlightened men in the State to guide those who are less favored by circumstances? To answer in the negative, would be an unjust aspersion upon the intelligence of the State.

Let all, then, who know how to appreciate the advantages of education, and of convenient channels of trade, unite in an energetic and persevering effort, and we shall soon see the whole aspect of our State changed from that of poverty and distress, into abundance, cheerfulness, and contentment.

By a wise change in the Constitution, a considerable sum of money may be saved annually, to apply to works of internal improvement. These, by diminishing the cost of transportation, will stimulate agriculturists to increased exertions, enhance the value of all kinds of property, add to individual and to public wealth, and of course furnish abundant means of sustaining schools throughout the community.

They cannot be too soon commenced, or prosecuted with too much vigor. Our resources are constantly flowing away, and each revolving year leaves us poorer than its predecessor. Our population is at this time more depressed, probably, than any other in the United States, and more so than they have ever been before. The whole State seems paralyzed—deprived, not only of excitement, but almost of all excitability. Men of enterprize and energy are every where beginning to despair: constantly some are emigrating—and, if the process continues a few years longer, the prolific old hive will be left to the entire possession of a parcel of miserable drones.

MORE JACKSON ECONOMY.

In the Appropriation Bill which has just passed the House of Representatives, there is one item of $31,344 31 to pay for *extra* clerk hire for the last year in the Post-Office Department!

In a very able speech in opposition to this appropriation, Mr. Hardin, of Kentucky, paid the highest compliments to the talents and integrity of Major Barry, the Postmaster-General, and ascribed the disorder of the department to the knavery of those who have been placed about him by the system of "rewards and punishments." It is hard, though, to reconcile this with some facts stated by Mr. Hardin.—For instance: he stated that a Mr. Meriwether, who receives $800 per year as a clerk in the Post-Office Department, had been engaged the whole session in taking down the debates in the House of Representatives, for the benefit of the "Globe," the Jackson newspaper at Washington, "until shame for the disclosures concerning that Department drove him from his seat." Is it possible that such things are tolerated by that *pure* Administration which has shaken the whole fabric of our Government by its persecutions of the Bank for expending the money of the stockholders in defence of their property and their rights?

☞ Memorials on the subject of the Currency, and of the pecuniary embarrassments of the country, continue to flow into Congress.

Upon presenting one from New York, on the 5th instant, Mr. Selden made a short but very able speech on the currency, and concluded by moving that "a Committee, consisting of one member from each State, be appointed to consider and report, in form of a bill, a plan for a safe and uniform currency, under authority of the United States."

Mr. Brown, of New York, moved to lay the memorial and resolution on the table.

On this question the ayes and noes being called for, there was a tie—89 voting for, and 89 against, the motion....The Speaker gave the casting vote to *lay on the table*.

This vote affords a glimmering of hope that something may yet be done to relieve public distress. The Administration party, like their chief, are pretty stiff-necked, but, we trust they will ultimately be made to back out.

FOREIGN NEWS.

The French Chamber of Deputies lately refused to pass a bill making an appropriation for settling the American claims. But it appears, by the latest accounts, that the refusal produced a great excitement among the Liberals, and that the King and the Ministry exerted themselves in favor of the appropriation.... it is confidently believed that the claims will be paid in the course of next year.

There has been a change in the French Ministry: all the old members of the Cabinet are dismissed, with the exception of Marshal Soult, President of the Council, and Minister of War; M. Humann, Minister of Finance; and E. Guizo, Minister of Public Instruction.

Hearing that the Government of Spain intended to send an army into Portugal to assist Don Pedro in the expulsion of his brother, the Courts of Prussia and Austria addressed the Cabinets of London and Paris, *protesting* against the project of Spain, and threatening to send an army into Switzerland if Spain should persist in her design.

England and France, who have been long, but improperly considered, natural enemies, are now on the most friendly terms. Their Governments, though Monarchical, are too free and liberal for the safety and repose of their despotic neighbors, who consequently look upon them with jealousy, lest their liberal principles may spread over Europe. They approve the design of Spain; and, if it should be executed, and Prussia and Austria should follow up their "PROTEST" with the threatened invasion of Switzerland, it is more than probable a continental war will ensue.

A renewal of hostilities is likewise expected between Holland and Belgium. This, if it do take place, will in all probability produce war with England and France on the one side, and the Emperor of Russia on the other.

From the N. Y. Courier and Enquirer.

It our article, on Wednesday, on the present position of affairs in France, we were compelled, by want of room, to omit all notice of a remarkable measure of oppression recently carried through the Legislative body by the Government, and which is not one of the least important amongst the events of the day. We allude to the law against Associations, which is particularly aimed at the Republican party. By the laws enacted under Napoleon, no assemblage exceeding twenty persons in number was permitted. The Republican party have evaded this law by dividing their different combinations into sections, none of which exceed the number prescribed. The new law prohibits assemblages even of this number. It further declares that the Chamber of Peers shall alone be the judges of persons who are members of Associations charged with conspiracies against the State. As the Chamber of Peers is, from the manner in which it is constituted, essentially monarchical and aristocratic, the poor Republicans, it is very evident, will stand but a poor chance when bro't before them.

It appears, from the above paragraph, that the friends of free principles in France are in a *little* worse condition than the enemies of despotism in this country.

Here the Chief Magistrate has, as yet, only refused to hear the *verbal* complaints of the People. So far, their public meetings have not been prohibited; but how long they will continue to enjoy this privilege, is

very uncertain, as a late assemblage in Baltimore has been denounced as "riotous, factious, and almost treasonable!"

We are treading close upon the heels of "le Grand Nation." Fortunately our Senate is not constituted like the Chamber of Peers of France, and is at this time opposed to the encroachments of the Executive.

HYDROPHOBIA.

In consequence of a rumor that this terrible disease was prevailing in the country, our Town Authorities have issued an Ordinance prohibiting all persons in its precincts from allowing their dogs to run at large *without collars*.

We remember seeing, when we were quite small, children with buckskin strings around their necks to *prevent the hooping-cough!* Probably a leather or a metallic collar is equally as efficacious to keep off hydrophobia?

What kind of collars are worn at the City of Washington? A newspaper from that place informs us that a certain little member from this State, who is *suspected* of wearing *the collar*, became quite frantic the other day upon seeing *cold water* thrown upon the Appropriation Bill in the House of Representatives.

☞ The Hon. George McDuffie passed through this Town last Tuesday, on his way to South Carolina. We regret the cause which has made it necessary for him to vacate his seat in Congress at this important juncture of political affairs. It is said that the physicians at Washington advised him that a change of climate was indispensable to the restoration of his health, which is very much impaired. His absence at this crisis will be much lamented by all who know how to appreciate his splendid talents, so fearlessly exerted in defence of the Constitution of his country.

The Cholera.—It appears, by the Western papers, that this awful desolating plague has re-appeared on the Mississippi and Ohio rivers. A good many deaths from it have lately occurred on board the steamboats in those waters.

Steamboat Accidents.—The steamboat Protector was lately destroyed by fire, about forty miles below Claiborne, Alabama. She had on board 200 bales of cotton, and other valuable articles, bound for Mobile. The passengers escaped, but lost all their baggage.—On the 12th ultimo, five persons lost their lives on board the steamboat St. Louis, at the lower rapids of the Mississippi, by the collapsing of the boiler.

Expeditious Passage!—Arrived at this place on Tuesday last, from Philadelphia, "Bicknell's Reporter, Counterfeit Detector, and Prices Current," after a remarkable passage of *eight months*, the same bearing date the 16th of September 1833! It is literally a weather-beaten "way-worn traveller," and looks as though it had been on a tour to the Rocky Mountains.

Murder and Robbery.—A Mr. John Marss was lately shot dead, about one mile from the Courthouse of Lauderdale County, Alabama, in broad daylight, and robbed of about $700. A large reward is offered for the apprehension of the murderer.

Serious Accident.—At the consecration of a new Roman Catholic Chapel, in New Haven, lately, the gallery fell down, killing two persons and severely injuring a number of others.

Setting up the "Graven Image!"—We learn, from the Boston papers, that the Commandant of the Navy-Yard at Charlestown, (Com. Elliott,) has actually perpetrated the disgrace which it was sometime ago contemplated to inflict on the frigate Constitution, by raising the image of "the Hero" over the cut-water of that vessel. This item of idolatry had been given up, and we presume that we must now stand indebted to the zeal of the man-worshipper Elliott for this outrage upon the character of the American Navy, of which he is an unworthy member. A description of the Idol is given in another column of this sheet.

Disgraceful.—A Member of Congress, from Kentucky, sometime since saw fit to absent himself from his seat in the House of Representatives, for some days; and when he again attended, he put into the hands of a Reporter for the Telegraph, desiring its insertion in that paper, a note expressing "pleasure to hear that the Hon. Mr. —— had recovered from his recent severe indisposition, and was again able to resume his duties." We look upon this as very mean and immoral—unless, indeed, the *Hon.* Member had reference to a "severe indisposition" to attend to the interests of his constituents!

A Great Haul of Fish.—At Elkton, Maryland, on the 7th instant, there were caught, at one haul, 875 Rock Fish, averaging 60 pounds each.

Effects of the Cold.—We have seen a Tennessee paper, in which it is stated that the Cotton Crop in the neighborhood has been completely killed by the late severe frosts.

"Nero fiddled while Rome was burning."—We get the following quotation from a Letter published in the Philadelphia Inquirer, dated Washington, May 9th:

"The President's horses took the purse on our course yesterday and the day before. 'The Old Hero,' as Mr. Bynum called him to-day, was present yesterday; and it is said that he has taken great spirit from the circumstance of winning the stake. He thinks it a favorable omen of his war upon the Senate."

Yankee Notion.—The New Haven Palladium says that the second message sent to the Senate, by the President, is compared, by some, to the patent beer-pump, which *sucks back* all that runs over. As the 'Protest' pumped up more than was required by the party, the second message took it back again.

☞ *Our own affairs.*—Those interested in the information conveyed by our Price-Current List, are referred to the 4th page of our paper, where it will hereafter be found. Its frequent omission when it was retained for our inside form, (made necessary by the receipt of advertisements, &c., at a late hour,) has induced us to place it in this position, where it will be less liable to the effects of the "pressure."

LETTER FROM WASHINGTON.

WASHINGTON, April 7, 1834.

To the Editor of the Western Carolinian.

DEAR SIR: Since I wrote last, we have had two other acts in the grand political drama.—The Protest of the President, denying the right of the Senate to express an opinion upon the conduct of public officers; and his message to the Senate, re-nominating the Bank Directors who had been rejected by that body, and declaring his determination to nominate no others if they should be again rejected. The object of both these papers is too plain to be mistaken. It is to break down and destroy the just influence of that branch of the Government which now stands as a barrier between the liberties of the people and the dangerous usurpations of the Executive. The Senate have met both these trying occasions with a firmness and patriotism which well deserves, and I doubt not will receive, the lasting admiration and gratitude of the American People. They have again rejected these miserable tools of Executive vengeance, by a triumphant majority of *thirty to eleven!* The Protest, too, has been rejected from the Records of the Senate, on the ground that the President has no right to send such a paper to the Senate. I need not advert to the very new and alarming claims to power set up by the President in that paper. They are such as must meet the reprobation of every true Republican and friend of liberty. *The President has been compelled to retract* many of these extraordinary pretences to power. It is well understood, here, that this retraxit, or supplemental message, was drawn up by others, and that he was compelled to sign it, under the threat of being abandoned by many of his friends in both Houses. You may well imagine how humiliating was such a condition, to such a man as Genl. Jackson, and yet the only alternative was, to sign the retraxit, or be "left alone in his glory."

I believe the Protest but a fair defence of the recent Executive measures in removing the deposites from the Bank of the United States. But his friends had placed his defence on other grounds. While they admitted the right of Congress to control the public revenue, they raised a hue and cry against the Bank as a tyrant and a monster, and declared that the only question was, "Bank or no Bank." But the President, more frank and bold than his party, says no—I have a right to the custody of the public money!—the Constitution has given me the control of it, and Congress cannot take it out of my hands without a palpable violation of that instrument! Such are the extravagant notions of power which have been instilled into his mind by base sycophants and flatterers, who have beguiled and ruined a man originally of honest and patriotic intentions.

Yesterday was a day of more than ordinary interest in the Senate. It was known that Mr. Calhoun was entitled to the floor, on the Protest of the President.—He always attracts immense crowds, for the simple reason that he never fails to repay them for their time and attention. His speech was an animated one, and distinguished for his peculiar clearness and condensation. He spoke about three quarters of an hour, and left the Protest broken and scattered into a thousand fragments. Mr. Forsyth of Georgia replied, with his usual address and ability.—He attempted to parry the force of the opposition, by ridiculing the discordant materials of which it is composed.—He evidently winced under the party designation of Whig and Tory, and proposed a new name for the opposition: he proposed to name it the "Punch Party," from the opposite materials which compose that pleasant beverage....he said the South was the lemon, Louisiana was the sugar, and the North and West were the different spirits, &c. To this Mr. Preston, as he always does, made a most felicitous reply. He said the lemon gave out its acid only by compression or oppression, and that the Administration had been the press to effect that; that the President, by his Proclamation—his Force Bill—his Manifesto—his Protest, and late War Message against the Senate, had compelled the lemon (the South) to contribute its acid to the "punch party." It was not a matter of choice, but of compulsion. But he said that punch, in another point of view, was a word very familiar to our infancy, and that with it was always associated another personage, the opposite of punch—that all our nursery stories were full of the exploits of Punch and the Devil. If, therefore, the gentleman from Georgia prefers it, instead, hereafter, of having the parties known by the old denominations of the Whig party, and the Tory party, they should, in future, be called the Punch party, and the Devil's party. This witty and good humored reply completely turned the tables on the Georgia Senator, and produced a general laugh, in which no one more heartily joined than Mr. Forsyth himself.

To-day Mr. Webster closed the debate on the Protest. I did not hear him, but his speech is spoken of in no measured terms of eulogium. It is said to have eclipsed all his former great efforts. A friend tells me it was full of sound principles, and that he perfectly annihilated the Protest and its author. So ultra federal—so monarchical, are the recent measures of the Administration, that even Daniel Webster, the most high toned federalist in the country, is seen on the side of liberty, struggling to save our free institutions from the grasp of despotic power! What will our Jackson Van Buren democrats say to this? They beat Mr. Webster all hollow.

The vote on the Protest stood sixteen for it, and twenty-seven against it; Brown voted for it, but Mangum, absent from indisposition, would, if present, have swelled the majority to twenty-eight. Thus has terminated, for a time at least, this warfare upon the Senate. Well, what next?—Look out for a Proclamation in a few days! It is said the President will appeal to the people against the Senate. I hope not, though I shall not be surprised at any thing that may now come from that quarter. Madness seems to rule the hour, and the cabal around the President would be willing to see him do any thing, to try

"What re-enforcement they can gain from hope,
If not, what resolution from dispair."

From the New York Courier and Enquirer.

AN ENTIRE JACKSON STATE GONE AGAINST JACKSON.

The quantum of glorification expended upon the late election in Rhode Island will be familiar to every body who looks into the Tory newspapers. The Tammany trumpeters in this city were uncommonly shrill and sonorous in their blasts, and the "glorious victory in Rhode Island," has been sounded through the Republic with most peculiar exertion of lungs. On Thursday last this *Jackson* legislature expressed its opinions of Jacksonism pretty emphatically. *How* emphatically, will best appear by the following resolutions, which were passed by a majority of eighteen, in a body consisting of seventy-two members. We are in some hopes that Gen. Jackson and the bad men about him, will become convinced, after a while, that even the hurrah boys have some limits to their throats. They cant swallow *every* thing.

STATE OF RHODE ISLAND.

In General Assembly, May Session, A. D. 1834.

Resolved, That, in the opinion of this General Assembly, the removal of the public money from the Bank of the U. States, in which by law and contract it was required to be deposited, was a measure unwarranted, ill advised, and injurious to the public interest.

Resolved, That, in the opinion of this General Assembly, the public interest requires that the "deposites of the money of the U. States shall in future be made in the Bank of the United States and its Branches," and that the said Bank be allowed to perform its duties to the U. S. enjoined by its Charter. viz:—"To give the necessary facilities for transferring the public funds from place to place, within the U. S. or the Territories thereof, and to distribute the same in payment of the public creditors, without charging commissions, or claiming allowance on account of difference of exchange, and to do and perform the several and respective duties of Commissioners of Loans for the several States."

GOVERNOR OF CONNECTICUT.

The election of Governor for the State of Connecticut took place on the 7th, by a joint ballot of both Houses of the Legislature. The result was as follows:

Whole number of votes 224, of which were given

For Samuel A. Foote, Whig,	154
H. W. Edwards, Tory,	70
Majority for Foote,	84

who is, in consequence, the Constitutional and Whig Governor of the State.

Description of the Figure-Head.—The famous figure-head of the Constitution, is a tall ungainly image, nine feet high, "stiff as a wooden statue," and a most decided libel on the fair proportions of humanity. It has the legs of a Samson, with the neck and shoulders of a crouching old woman, and shrugs itself up, under a cloak, with an air and expresion decidedly rheumatic.

The face and head is a study from Johnson's caricatures; and great as is the skill of that artist, he is decidedly outdone by his wood-sculpturing imitator.—The snarling, ill-natured, insolent, overbearing disposition of the "great original," is fully expressed in this wooden statue. The artist seems to belong to that school which holds that beauty is ever to be sacrificed to truth.

The image is daubed, from head to foot, with paint,—expressive we suppose of the purity of the original. It holds in one hand a broad brimmed hat, and in the other a large roll, intended probably to represent the Boston Memorial approving the removal of the deposites,—a document, it will be recollected, sent privately to the President, and not exposed to the profane eyes of the public.

While the image was being elevated to its present situation, the head was enclosed in a bag, and a rope was fastened about its neck. As it swung in this position, said one of the bystanders to his neighbor,—"what's the meaning of that bag over the Gineral's head?" "Don't you know," was the answer, "that when a malefactor is about to meet his deserts on a gallows, they always pull a cap over his eyes."—*Boston Atlas.*

From the Boston Journal.

DAVID CROCKETT.—This gentleman has arrived in this city, and has taken lodgings at the Tremont.—He visited Harding's Gallery this morning, and although he does not pretend to be a connoisseur in Painting, he stated without hesitation that this was the finest exhibition he had ever seen. He knew Daniel Webster at the first glance, and cocked his eye familiarly at Leigh and Calhoun.

The fame of Col. Crockett has preceded him—and great anxiety is expressed by our citizens to see one, who although he "knows but little about book-larnin," by the aid of a naturally strong mind, and fearless *honesty*, has created an enduring popularity in his own State, and has been selected for his unblenching integrity and good sense, to represent a large body of intelligent Republicans in Congress.

Col. Crockett is a hearty, hale looking man, of about 45. His weather-beaten countenance presents an open, candid expression—resembling that of an honest independent yeoman of New England. His dress is plain, without being singular, and his manners are not so awkward as one is prepared to expect. He does not entertain an exalted opinion of Andrew Jackson, or the Cabal by which he is surrounded, and whom Colonel Crockett styles emphatically "*Imps of Famine*;"—and he is by no means backward in expressing his sentiments.

Mr. Crocket visited the Navy Yard this forenoon, and expressed himself satisfied with the appearance of every thing but the "*Figure Head.*" With that he is disgusted, which is a proof of his good taste.

☞ Several articles, original and selected, have been unavoidably crowded out of our columns this week.

☞ Newspaper Accounts
IN MECKLENBURG COUNTY.

MY Accounts for Subscriptions to the WESTERN CAROLINIAN, in Mecklenburg county, have been placed in the hands of Mr. Henry B. Williams, Merchant of Charlotte, for collection. It will be expected that all persons indebted to me, in that County, will settle with him during the week of the County Court.

BURTON CRAIGE.

Salisbury, May 24, 1834. 1

Negroes Wanted!

THE Subscriber wishes to purchase LIKELY NEGROES, from ten to thirty years old, and will pay the most liberal prices in Cash.

All who have such property to sell would do well to call on him, or Mr. John Jones, his Agent.

He can be found at Mr. Slaughter's Hotel, in Salisbury, and Mr. Jones at Dr. Boyd's Hotel, in Charlotte.

He thinks it proper to say, that he is not concerned in business with Mr. James Huie, or with any other person.

All Letters addressed to him, or Mr. Jones, will be punctually attended to.

ROBERT HUIE.

Salisbury, May 24, 1834. tf

Valuable Property
FOR SALE.

THE SUBSCRIBER OFFERS FOR SALE,
ONE-THIRD PART
OF THE
Lincoln Cotton Factory,

Situated two miles below Lincolnton, N.C., at the Rattling Shoals of the South Fork. This Factory is now in excellent repair, and has in full operation seven hundred and thirty-six Spindles, and eight Looms ready to go into operation.

ALSO,
(Belonging to the same Establishment,)
An excellent Oil-Mill, Blacksmith Shop, a Machine Shop, and a Wool-Carding Machine,
WITH
560 Acres of Land.

This site is superior to any in my knowledge for manufacturing, having water-power sufficient to turn two thousand spindles, and possessing all the advantages of the cotton market and the grain country: the situation is healthy, well watered, and well calculated for a store.

ALSO, HE OFFERS FOR SALE,
In the Town of Lincolnton,
THE LOT
WHEREON he NOW RESIDES,
being Lot No. 9, fronting the Main Street;
Lot No. 10, fronting the Back Street in the N. E. Square of said town; and, in the same Square, a 2-acre Farm Lot;
And also Lot No. 10 in the S. E. Square, fronting the Main Street to Beatties' Ford;
WITH
Seventy-Five Acres of Land
LYING on MILL-CREEK, one and a half miles from Town.

☞ The Town Property would make a suitable residence for a Lawyer, Physician, or any Gentleman who would wish to spend the Summer in a healthy, pleasant place.

A further description is deemed unnecessary, as any person wishing to purchase will no doubt like to view the premises before doing so.

The Subscriber will sell the abovenamed Property low, as he wishes to move to a warmer climate if he can sell.

JAMES BIVINGS.

Lincolnton, May 24, 1834. 1m

☞ TO THE PUBLIC.

F. A. MASSOL,
Having taken the Office formerly occupied by Mess. Sylvester & Co.,
IN BALTIMORE,

RESPECTFULLY informs the Citizens of N. Carolina, and the neighboring States, that he will continue the LOTTERY and EXCHANGE business in all its various branches. The above arrangement has been existing since the 1st of December last; from which period, the following brilliant Capitals have been given to the world:

Combination 12 19 25,
The Grand Capital Prize of
20,000 Dollars,
Was sold to a gentleman of this city—and he received the CASH from Massol in an hour's time.

In the Maryland State Lottery, Class No. 7, drawn on April 8th, 1834,
Combination 17 40 44,
THE FOURTH GRAND CAPITAL OF
4,000 DOLLARS,
Was sent to a correspondent in Louisville, Kentucky, who had ventured for the first time.

In the Virginia Dismal Swamp Lottery, Class No. 3, drawn Feb. 9th,
Combination 24 46 66,
A Prize of 2,000 Dollars,
Was sold, and the CASH paid in ten minutes!

The Handsome Capital of
5,000 DOLLARS,
In the Maryland State Lottery, No. 2, was sold to a gentleman travelling to the North. He stopped at our Office, and purchased the WHOLE TICKET a few moments before starting to Philadelphia

Virginia State, No. 7,
Combination 12 6 72, the whole of $1,500!

Maryland State, No. 8,
Combination 32 56 63, the whole of $1,000!

Maryland State, No. 2,
Combination 7 32 33, the whole of $1,000!

BESIDES OTHER PRIZES OF
800, 500, 400, 300, and thousands of 100!!
MAKING, IN ALL,
Millions of Dollars!!!

Thus it is that MASSOL enriches all who patronize him....He trusts that the wise will not neglect to make application for the splendid FORTUNES offered below.

Magnificent Scheme!
TO BE DRAWN ON THE 31st of MAY,
Virginia State Lottery,
No. 10, for the benefit of the Dismal Swamp Canal Company.
75 No. Lottery—11 Drawn Ballots.
$30,000—10,000—4000—3000,
75 Prizes of 1000, and 84 of 500.
☞ Mark! Tickets only $9—Lowest prize, $10!
Package of Whole Tickets will only cost, by certificate, $113 50. Halves, Quarters, and Eighths-Packages, in the same proportion.

ON JUNE THE 3d,
Will be drawn, in Baltimore City,
The Maryland State Lottery,
Class No. 11—60 No. Lottery, 9 Drawn Ballots.
Six Capitals of $5,000!
$4,570—5 Prizes of 1000—10 Prizes of 500, &c.
Tickets only $5—A Package of Whole Tickets, by certificate, can be had for only $56 75—Halves for 28 37½—Quarters for 14 18¾.

ON JUNE 14th,
Will be drawn, the Splendid
Virginia Dismal Swamp Lottery,
Class No. 11—66 No. Lottery, 10 Dr. Ballots.
CAPITAL OF $20,000!
100 Prizes of $1,000!
1 Prize of $10,000!
1 Prize of 5,000—1 of 3,000, &c. &c.
Tickets $10—Package of Whole Tickets, by certificate, will cost $115 in this Splendid Scheme—Halves, Quarters, and Eighths, in same proportion.

ON JUNE 17th,
Maryland Lottery, No. 12,
Will be drawn.
Capital Prize $12,000—Tickets only $5

ON JUNE 21st,
Virginia Monongalia Lottery,
Will be drawn.
20,000 Capital—$5,000—$3,000,
10 of 1000—Tickets only $4.

ON THE 28th JUNE,
MAGNIFICENT SCHEME
OF
Virginia Dismal Swamp, No. 12,
WILL BE DRAWN.
75 No. Lottery—11 Drawn Ballots.
SPLENDID $30,000 CAPITAL!!
10,000—4,000—3,000!!
75 Prizes of 1000 DOLLARS!!!
Tickets only Ten Dollars.
☞ HALF A MILLION OF DOLLARS IN THE SCHEME!!!
Certificate of Package of 25 WHOLE Tickets will only cost $150—Halves 75—Quarters 37—Eighths 18. The demand for Tickets in this truly splendid scheme will be great.

☞ When $5 are remitted, postage need not be paid—when $10 are remitted, postage *is paid both ways.* All orders are deemed confidential—no mention being made of correspondents.

MASSOL would strongly recommend those in want of Cash, to address him on this subject: certain he is, that their call will be noticed. All Letters addressed to

F. A. MASSOL,
No. 1½, Calvert Street, Baltimore,
will be duly received, and attended to....Tickets in any of the above schemes will be sent to order.—Recollect, for Prizes, to apply to
LUCKY MASSOL,
Licensed Vender—Baltimore.
☞ PROMPT ATTENTION GIVEN.

Lincolnton Academy.

THE Examination [illegible] colnton Academy [illegible] day of June, [illegible] terminate on the [illegible] ensuing day. Parents and Guardians are particularly requested to attend.

☞ The Exercises of the Academy [illegible] sumed on the FIRST DAY of JULY. [illegible] price of Tuition, per session, (in advance,) will be:

For the Latin and Greek Languages, Algebra, and Geometry, - - - - - - $12 50
For English Grammar, Geography, and Arithmetic, - - - - - - 8 00
For Reading, Writing, &c. - - - 5 00

☞ Board can be had, in respectable families, at $7 per month

GEORGE W. MORROW.

P.S. The healthiness of Lincolnton, and the moral state of society, render it a peculiarly appropriate location for a Classical School.

May 24, 1834.—6t

Petersburg Cotton-Yarn.

JUST RECEIVED, & FOR SALE,
1600 Pounds of Cotton-Yarn, from the Petersburg Factory—superior to any Cotton brought from the North. Apply to

MURPHY & MOSS.

Salisbury, May 24, 1834. 3t

Catawba Springs.

THE above place is now open, as usual, for the reception of Company.....Every attention is promised, by the Proprietor, for the comfort and pleasure of those who may visit him.

W. S. [illegible]

Lincoln Co., May 24, 1834. 4

Confectionary and Grocery STORE.

HENRY W. WATSON respectfully informs his friends and the public that he has just received a NEW SUPPLY OF ARTICLES in his line, which he offers for sale on accommodating terms, at his old stand. Among his Assortment will be found the following:

CANDIES, all sorts; RAISINS; ALMONDS;
Cream and Cocoa NUTS; FILBERTS;
FIGS; CHESNUTS; APPLES;
SEGARS, both Spanish and Common;
CROCKERY WARE, of different kinds;
CANDLES; BUTTER CRACKERS;
TOBACCO, both Chewing and Smoking;
PIPES; SNUFF, by the ounce;
Whiskey, Brandy, and Cider—together with a great many other articles, not enumerated.

Salisbury, May 24, 1834.

New Tin Manufactory,
IN SALISBURY!

E. R. BIRCKHEAD

TAKES this method to inform his friends, and the public generally, both of town and country, that he has established himself on the Main Street, (about midway between Cade & Craige's Store and the Western Carolinian Printing-Office,) where he intends to carry on the manufacture of Tin-Ware in all its various branches.

He will always keep on hand every article in the line of his business; and, as all will be manufactured by himself personally, those who may feel disposed to favor him with their custom may rest assured that every article sold by him will be put together in a very superior manner.

☞ His prices will be as low as *good* tin-ware can possibly be afforded at by any one in this Town or State. Cash would always be preferred; but he will at all times be willing to exchange his wares for Feathers, Beeswax, Tallow, old Copper, old Pewter, &c. &c.

E. R. B. will be thankful for patronage; and respectfully invites purchasers to give him a call before they have laid in their stock elsewhere.

Salisbury, May 17, 1834.—tf

Spring & Summer Fashions
FOR 1834.

HORACE H. BEARD, Tailor,
(SALISBURY,)

BEGS leave to inform his friends, and the public in general, that orders in his line will always be thankfully received by him, and executed in the most Neat, Fashionable, and Durable manner—on terms as reasonable as any in this section of country. H. H. B. hopes, from his long practice of his business, (a number of years of which time he resided in the city of Philadelphia,) and from the general satisfaction he has heretofore given to his numerous respectable and fashionable customers, to merit and receive a portion of the patronage of the public in general.

☞ He flatters himself that his CUTTING is *really* superior to any done in this State, as may be tested by the undisputed elegance of fit which attends garments made in his establishment. He is in the regular receipt of the Reports of the Fashions as they change both in the large cities of this country and of Europe—so that gentlemen may be satisfied that their orders will always be executed in the very latest style.

Orders from a distance will be attended to with the same punctuality and care as if the customer were present in person.

Salisbury, May 17, 1834.—1y

☞ Notice to Debtors!

ALL accounts due me, of [illegible] standing and upwards, must be settled [illegible] day of June next. [illegible]

Salisbury, May 17, 1834.

North-Carolina State LOTTERY,

FOR THE BENEFIT OF
The Salisbury Academy.

1st Class—High and Low System.

To be Drawn at Salisbury, On the 10th day of July.

Capital, $3,000!

SCHEME:

1	Prize	of $3,000	is	3,000
5	"	of 1,000	is	5,000
4	"	of 500	is	2,000
5	"	of 300	is	1,500
10	"	of 200	is	2,000
50	"	of 100	is	5,000
60	"	of 50	is	3,000
100	"	of 20	is	2,000
250	"	of 10	is	2,500
20,000	"	of 4 70	is	94,000

20,485 Prizes, amounting to $120,000

☞ More Prizes than Blanks!

Whole Tickets............$4
Halves............ 2
Quarters............ 1

Mode of Drawing:

This Scheme, founded on the High and Low System, has 40,000 Tickets, numbered from 1 to 40,000, inclusive. On the day of drawing, the 40,000 numbers will be put into one wheel, and all the prizes above the denomination of $4 70 in another: they will be drawn out alternately, first a number and then a prize, until all the prizes are drawn. From 1 to 20,000, inclusive, are low; and from 20,001 to 40,000, inclusive, are high. The prizes of $4 70 to be awarded to the high or low division, will be determined by that which may draw the capital prize of $3,000. The prizes of $4 70 will be payable in tickets in the next scheme—all other prizes payable in cash forty days after the drawing. All prizes subject to a deduction of fifteen per centum.

☞ Tickets, Shares, and Packages, to be had, in the greatest variety of numbers, at

Stevenson & Points' Office, (White Row, Mansion Hotel,) —SALISBURY.—

All orders from a distance, (post paid) enclosing the Cash, will be thankfully received and promptly attended to, if addressed to

STEVENSON & POINTS,
Managers, Salisbury, N.C.

May 17, 1834. tdd

State of North Carolina: MONTGOMERY COUNTY.

Court of Pleas and Quarter Sessions, April Term, 1834.

William Butler, Executor of Joshua Butler, dec., and others, *vs.* Jones Moody, Catharine his wife, Martin A. Poor, Laura M. Poor, Susannah Poor, William Poor, John Poor, William Sugg, Elizabeth his wife, and Joshua Cochran, } Issue devisavit vel non. as to a paper writing offered for Probate, purporting to be the last Will and Testament of Joshua Butler.

IT appearing, to the satisfaction of the Court, that the above named Defendants are not inhabitants of this State: It is therefore Ordered, by the Court, that publication be made, in the Western Carolinian, for six weeks, for them to appear at the next Term of this Court, to be held for the County of Montgomery, at the Courthouse in Lawrenceville, on the first Monday in July, 1834, and make themselves parties to these proceedings, or the same will be heard ex parte as to them.

Test: JOHN B. MARTIN, Clerk.

May 17, 1834. 6w

Valuable Real Property, IN LINCOLN COUNTY, FOR SALE.

The Subscriber, intending to remove to Alabama, OFFERS FOR SALE,

His Residence in Lincoln Co.

Including, in one body, about

One Thousand Acres Of Real Good Farming Land,

On which is a fine *Brick Building,* constructed of the best materials, in fine taste, and good workmanship.—Also, all convenient Out-Houses, COTTON AND THRESHING MACHINES, Barns, Stables, &c.

—ALSO—

Another Tract of Land,

Lying on both sides of Dutchman's Creek, containing about

Eight Hundred Acres,

ALL FIRST RATE FOR ANY PURPOSES.

☞ The above Property will be sold on a credit of one, two, and three years.

In my absence, application may be made to my brother, J. Forney.

DANIEL M. FORNEY.

Lincoln Co., May 17, 1834. tf

DOCTORS { L. MITCHELL, AND R. M. BOUCHELLE,

HAVE entered into Co-Partnership in the practice of their Profession. Their Office is kept in the house heretofore occupied by Dr. Mitchell, opposite to Mr. Slaughter's Hotel.

Salisbury, May 17, 1834. 3

☞ A CARD.

DR. MITCHELL is anxious to close his former accounts, and respectfully requests those persons indebted to him to call at the Office of Mitchell & Bouchelle, and settle, by note or otherwise.

Salisbury, May 17, 1834. 3

Estate Sale.

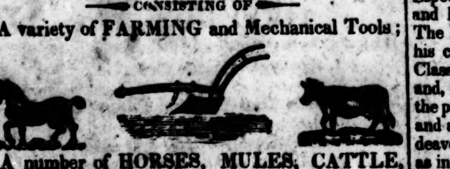
On Tuesday, the 17th day of June next, I WILL SELL,

At the late residence of Gen. Peter Forney, dec'd.,

All the Personal Property, NOT OTHERWISE DISPOSED OF,

CONSISTING OF

A variety of FARMING and Mechanical Tools;



A number of HORSES, MULES, CATTLE, and OXEN;

A quantity of Cast HOLLOW-WARE—together with Pig-Iron Banding, and a variety of OLD IRON and METAL.

—ALSO—

About Fifty Negroes,

Men, Women, and Children—among which are first-rate Hammerers, Refiners, Bloomers, Forge-carpenters, Blacksmiths, &c.

The sale will continue from day to day until the whole is disposed of.

Conditions: Twelve months' credit—bond and approved security required.

J. FORNEY, Executor.

☞ The Subscriber having qualified as Executor of the last will and testament of Peter Forney, deceased, gives notice to all persons having demands against the Estate to present them, legally authenticated, within the time prescribed by law, or this notice will be plead in bar of recovery;—and all persons indebted are requested to make immediate settlement. For the purpose of closing the accounts, I will attend at the Forge every Friday and Saturday, and every Tuesday and Wednesday at the Furnace, until the sale.

J. FORNEY, Executor.

Lincoln County, May 10, 1834. 4t

NOTICE.

THE undersigned has this day qualified as Executor of the last Will and Testament of Anderson Ellis, deceased, and hereby requests all persons having claims against said Estate, to present them for payment within the time prescribed by Law; and all those indebted are hereby requested to make payment.

JAMES ELLIS, Executor.

November 23, 1833. tf

SELLING OFF At Cost!

S. LEMLY & SON,

HAVING DETERMINED TO CLOSE THEIR BUSINESS IN THIS PLACE,

With the view of removing to the State of Mississippi early in the ensuing Fall, beg leave to inform the Public generally that they

Have Concluded to Sell Off THEIR STOCK OF GOODS,

CONSISTING OF

DRY-GOODS, HARD-WARE, CUTLERY, CROCKERY,

AND ALL other ARTICLES generally kept on hand by Merchants in this part of the country,

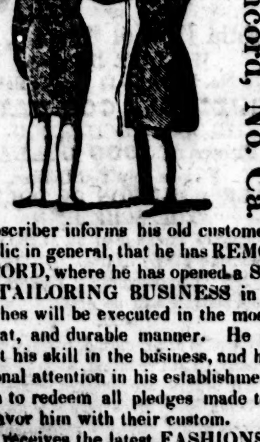
At Cost, for Cash!

Their Stock is **Large, Complete,** and **New,** the whole having been purchased within the last twelve months.

☞ They respectfully invite their friends and customers, as well as the public in general, to call and examine the goods, as they are determined to give bargains such as they feel confident will give satisfaction to all who wish to purchase.

Salisbury, March 15, 1834.—tf

New Tailor's Shop



In Concord, No. Ca.

THE Subscriber informs his old customers and the public in general, that he has REMOVED TO CONCORD, where he has opened a Shop, in which the TAILORING BUSINESS in its various branches will be executed in the most fashionable, neat, and durable manner. He flatters himself that his skill in the business, and his constant personal attention in his establishment, will enable him to redeem all pledges made to those who may favor him with their custom.

☞ He receives the latest FASHIONS regularly both from New York and Philadelphia, and works by the most approved systems. Cutting out, and Orders from a distance, will be promptly attended to; and last, but not least, *his terms will be very accommodating.*

THOMAS S. HENDERSON.

N.B. *He is determined to do work in a style superior to any done in this part of the country, and* ALWAYS WARRANTED TO FIT WELL.

Concord, March 29, 1834. 6m

P. J. SPARROW
Proposes to Publish, in Salisbury, N.C.
A Monthly Magazine,
UNDER THE TITLE OF

The Family Assistant.

PROSPECTUS.

THE FAMILY ASSISTANT shall be dedicated to Religion, Education, and General Literature. Especially it is intended to assist Parents in the difficult and highly important task of educating their families. The Editor has two very interesting associations under his charge—a Bible Class, and a General-Knowledge Class—for each of which he prepares written questions, and, for his own satisfaction, written answers. Should the proposed magazine go into operation, those questions and answers will be published in it. It will be the endeavor of the Editor to make the proposed publication as interesting as he possibly can—to fill its pages with such articles as shall be worth reading; and, as it will appear only once a month, each one who takes it, may find time to read it.—*The articles shall, in general, be short.* Such items of Foreign and Domestic Intelligence—secular as well as religious—as shall be deemed interesting, will be inserted. In fine, it is intended to make The Family Assistant minister profit and amusement for the long winter nights and sultry summer noons.

TERMS:

1. It will be issued on the 20th of every month—and will contain sixteen Imperial Octavo Pages, in double columns, printed on a new and legible type, and on very superior paper.
2. The subscription price will be One Dollar and Fifty Cents if paid in advance, and Two Dollars if not paid until the expiration of three months.
3. No subscription can be received for a shorter period than one year; and no paper discontinued until all arrearges are paid, except at the Editor's discretion.
4. ☞ The publication will commence on the 20th of April, provided a competent number of subscribers can be obtained; and our friends who may hold subscription lists, are requested to forward them on by the 1st of that month.

February 15, 1834. P. J. SPARROW.

INFORMATION, WHICH SOMEBODY WILL BE GLAD TO GIVE, IS WANTED!

ABOUT ten years ago there lived in the Tenth Congressional District a REVOLUTIONARY SOLDIER, by the name of **Fawcet,** or **Forset,** or something of the kind.——If he has any heirs living, they may probably be put in a way to get a small sum of money, by applying to the Editor of THE WESTERN CAROLINIAN.

Salisbury, March 15, 1834. tf

SALISBURY MALE ACADEMY.

The Third Session of the above Institution WILL COMMENCE ON THE FIRST DAY OF MAY.

THE Subscribers, thankful for past patronage, pledge themselves to enter upon the exercises of the next session with renewed zeal.

P. J. SPARROW,
T. W. SPARROW.

Salisbury, April 12, 1834. tf

Coach and Carriage Making, AND REPAIRING.

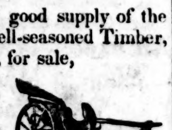
J. W. Rainey & P. J. F. Shaver,
Coach and Carriage-Makers,

Respectfully inform the Public generally, that they have entered into Co-Partnership for the purpose of carrying on the above business in all its varieties, and that they have, for that purpose, taken the shop

FORMERLY OCCUPIED BY PHILIP JACOBS,
On the Main Street, opposite the old Jail.

☞ They have on hand a good supply of the best carefully-selected and well-seasoned Timber, and will always keep on hand, for sale,

STAGE-COACHES, CARRIAGES, *Carry-alls, Gigs,* SULKIES, &c.



Which shall not be surpassed by any in this section of country for neatness, durability, and cheapness.

☞ For the benefit of Travellers and Stage-Drivers, they will always keep on hand CARRIAGE-SPRINGS and all other fixtures necessary to put those vehicles in the most complete order; and every description of **REPAIRING** will be done at the shortest notice and on the lowest possible terms.

The Blacksmithing Business

The Subscribers have attached to their Carriage-Manufactory, a BLACKSMITH-SHOP, in which they employ none but first-rate workmen and the very best materials—which enables them to assure their friends and the public that all work done by them, in this line also, will be of superior quality, and as low-priced as any other executed in this section of country.

*** The Subscribers deem it hardly necessary to say that they will be thankful for a portion of the public favor; and they hope, by strict attention to business, and moderate charges, to *merit* the patronage of all who may wish to purchase articles kept for sale by them or jobs done in their line.

JOHN W. RAINEY,
PHILIP J. F. SHAVER.

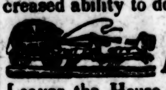
Salisbury, February 15, 1834. tf

Travellers' Inn,

SITUATED SOUTHWEST OF THE COURT-HOUSE, IN THE TOWN OF **LEXINGTON, (N. CAROLINA.)**

THE Subscriber takes this method of informing Travellers that he keeps a House of Entertainment in Lexington, (N.C.) on Main Street, Southwest of the Courthouse.

His Table will always be supplied with the best fare that a plentiful neighborhood can afford. His House being capacious, and attended by servants who are industrious and zealous to please, Travellers can always be accommodated with GOOD BEDS in rooms with fire-places. And last, but not the least important consideration, HORSES *will always receive such attention, in the Stable of the Subscriber,* that they may leave it with increased ability to do the service of the road.



An excellent Line of **Accommodation Stages** Leaves the House of the Subscriber, FOR SALISBURY, on the evenings of *Monday, Thursday,* and *Saturday,* and returns to Lexington on the succeeding evenings.

☞ Passengers going from South to North, by entering their names as far as Salisbury only, and there taking the Accommodation Line to Lexington, can have their choice, at the latter place, between the Piedmont Line and the one which runs by way of Fredericksburg.

JOHN P. MABRY.

Lexington, March 8, 1834. 1y

Travellers

GOING NORTH OR EAST, BY TAKING

Pecks & Wellford's Stage, **AT SALISBURY, (N. C.)**

(17 miles S. of Lexington,)

Will *now* arrive in Fredericksburg, (Va.) at 9 A. M. on the FOURTH DAY from Lexington, in time for the **Steamboat to Washington;** sleeping, the SAME NIGHT, in BALTIMORE—making

FOUR DAYS ONLY, From Lexington, (N.C.) to Baltimore.

☞ Compare this with the speed of any other Line whatever.

PECKS & WELLFORD,
Proprietors of the old S.W. or Middle Route Line of Stages.

Fredericksburg, March 27, 1834.

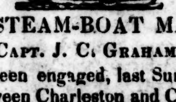
N.B. Travellers from any point South of Salisbury, wishing to take this Line, should be *careful to enter to Salisbury only.*

P. & W.'s Stage leaves Salisbury immediately after the arrival of the Piedmont Stage from the South, viz. every SUNDAY, TUESDAY, and FRIDAY evening.

☞ Fare as low as by any other route. P.&W.

April 5, 1834. 2m

Charleston and Cheraw.



THE STEAM-BOAT MACON,
Capt. J. C. Graham,

HAVING been engaged, last Summer, in running between Charleston and Cheraw, calling at George-Town on her way up and down, will resume her Trips in the course of a few days, and is intended to be continued in the trade the ensuing season.

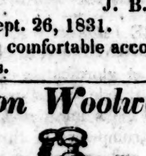
Her exceeding light draft of water, (drawing, when loaded, only about four and a half feet) will enable her to reach Cheraw at all times, except on an uncommonly low river, when her cargo will be lightered, at the expense of the boat.

J. B. CLOUGH.

Charleston, Sept. 26, 1831. tf

N.B. She has comfortable accommodations for a few passengers. J. B. C.

Aaron Woolworth,



Watch and Clock Maker,

BEGS leave to inform the Citizens of Salisbury, as well as those of Rowan and the surrounding Counties, that he has

Removed his Establishment
TO THE SOUTH SIDE OF THE COURTHOUSE,
☞ { A few doors above Mr. Wm. H. Slaughter's Hotel, on the Main Street, } ☜
Where he still continues, as heretofore, to execute
ALL KINDS OF WORK
in the line of his profession, at short notice,
And on the most reasonable terms.

WATCHES & CLOCKS REPAIRED BY HIM WILL IN ALL CASES BE **Warranted for 12 Months!**

And those disposed to patronize him, are assured that no pains will be spared to give the most general and entire satisfaction to them.

☞ ENGRAVING of every description, (including Tomb-Stones,) will be executed with neatness and accuracy, at short notice.

Salisbury, Jan. 27, 1834. tf

FIRST RATE CARRIAGE FOR SALE---CHEAP.

THE Subscriber has just completed all the repairs necessary to a second-hand Carriage which has for some time past been in his possession for that purpose, and now OFFERS IT FOR SALE, in pursuance of instructions from the owner, who has no use for it.

The Carriage is now as good as when new, and can be seen at my shop by those desirous to purchase.

JOHN I. SHAVER.

December 2. tf

The Farmers' HOTEL.

THE Subscriber, being grateful for the flattering and increasing patronage he has heretofore received, informs his customers and the public that he is prepared to accommodate them AS WELL, and a *leetle* CHEAPER than any other Tavern in the place.

His Table and Stables shall at all times be supplied with the very best the [illegible]

He has experienced and [illegible] will spare no pains himself [illegible] agreeable.

[illegible]

Salisbury, April 12, 1834. [illegible]

TAILORING.

BENJAMIN FRALEY, [illegible] latest Philadelphia, New York, [illegible] Paris styles of FASHION, and [illegible] ploy a number of Workmen who [illegible] prepared to cut and make work in a [illegible] to any done in this part of the country [illegible] warranted to fit.

Orders for Work in his line, from a [illegible] be punctually attended to according to [illegible] all kinds of local custom-work will be done [illegible] shortest notice and on reasonable terms.

He can be found, at all times, at his old stand, a few doors above Mr. Slaughter's Hotel, and nearly opposite Mr. John Murphy's store.

TO TAILORS.

Being Agent for some of the most Fashionable Tailors in New York, the Subscriber is prepared to teach or give instruction to any of the Trade who may desire to be more perfect in their business; and, from his belief that he is fully capable of giving satisfaction, he respectfully requests all who desire instruction to call on him.

Salisbury, 1834.—1y B. FRALEY.

Current Prices of Produce, &c.

AT SALISBURY.... May 21.

	Cents.		Cents.
Bacon,	12½	Molasses,	50
Brandy, apple,	35 a 40	Nails,	8 a 10
peach,	45 a 50	Oats,	37½ a 40
Butter,	10	Rye,	40
Cotton, in seed,	2½	Sugar, brown,	10 a 12½
clean,	9	loaf,	18 a 20
Coffee,	17 a 18	Salt,	112 a 125
Corn,	100	Tallow,	9 a 10
Feathers,	30	Tobacco,	8 a 20
Flour, (scarce)	750	Wheat, (bushel)	80 a 100
Flaxseed,	100	Whiskey,	45 a 50

AT FAYETTEVILLE...May 13.

Bacon,	9 a 9½	Iron,	4½ a 5½
Brandy, peach,	55 a 60	Molasses,	31 a 33
apple,	28 a 33	Nails, cut,	6 a 6½
Beeswax,	17 a 18	Sugar, brown,	8½ a 10
Coffee,	12½ a 13½	lump,	14
Cotton,	11 a 12½	loaf,	16 a 18
Corn,	85 a 90	Salt,	55 a 65
Flaxseed,	100 a 110	Wheat,	95 a 100
Flour,	550 a 650	Whiskey,	30 a 35
Feathers,	34 a 36	Wool,	16 a 18

AT CHERAW, (S. C.)...May 13.

Bacon,	10 a 10½	Meal, (scarce,)	87
Beeswax,	16 a 17	Molasses,	40 a 50
Butter,	15 a 20	Nails,	7½ a 8½
Coffee,	14 a 15½	Oats, (scarce,)	50
Cotton, new,	11½ a 12¾	Rice,	450 a 500
Corn,	100 a 125	Salt, in sacks,	300
Feathers,	32 a 35	bushel,	75
Flaxseed,	100 a 125	Sugar, prime,	11½ a 12½
Flour, superfine,	600 a 750	common,	9 a 10
fine,	550 a 600	loaf & lump,	15 a 18
Iron,	4½ a 5	Tallow, (scarce)	10 a 12
Lard,	10 a 12½	Teas,	125 a 150
Mackerel,	650 a 900	Wheat,	90 a 100

AT COLUMBIA, (S. C.)...May 16.

Bacon,	11 a 12½	Lard,	10 a 12½
Brandy, peach,	75	Molasses,	37½ a 45
apple,	40 a 50	Mackerel,	500 a 800
Beeswax,	15 a 00	Salt, in sacks,	225 a 250
Butter,	18 a 25	bushel,	75
Coffee,	15 a 17	Sugar, brown,	10 a 12½
Corn,	95 a 100	loaf & lump,	16 a 22
Cotton,	9 a 12½	Tallow,	10 a 12
Flour,	700 a 750	Teas,	00 a 00
Iron,	4 a 5½	Whiskey,	40 a 50

AT CAMDEN, (S. C.)...May 71.

Bacon,	9 a 9½	Flour, (N.Caro.)	600 a 750
Brandy, peach,	45 a 50	(Cam.mills)	850 a 900
appple,	00 a 00	Iron,	00 a 00
Beeswax,	12 a 15	Lard,	12 a 15
Cotton,	10 a 12½	Tallow,	10 a 12
Corn,	87 a 100	Wheat, bushel,	80 a 87
Feathers,	30 a 50	Whiskey,	40

WESTERN CAROLINIAN.

ISSUED WEEKLY::::::::BY::::::::JOHN BEARD, JR.

TERMS OF PUBLICATION.

1. The "Western Carolinian" is published every Monday, at Two Dollars per annum if paid in advance, or Two Dollars and Fifty Cents if not paid until after the expiration of three months.
2. No paper will be discontinued until all arrearages are paid, unless at the discretion of the Editor.
3. No subscription will be received for a less time than one year; and a failure to notify the Editor of a wish to discontinue, at least one month before the expiration of a year's subscription, will be considered as a new engagement.
4. Any person who will procure six subscribers to the Carolinian, and take the trouble of collecting and transmitting the subscription-price to the Editor, shall have the paper during the continuance of their subscription, without charge.

TERMS OF ADVERTISING.

1. Advertisements will be conspicuously and correctly inserted at 50 cents per square for the first insertion and 33⅓ cents for each continuance: but where an advertisement is ordered to go in only twice, 50 cts. will be charged for each insertion.
2. Merchants, Mechanics, and Professional gentlemen, who may desire constantly to appear before the public, in our advertising columns, will be received as yearly advertisers, and a deduction of 15 per cent. will be made from the above charges.

TO CORRESPONDENTS.

1. To insure prompt attention to Letters addressed to the Editor, the postage should in all cases be paid.

WESTERN CAROLINIAN OFFICE, Salisbury, May 17, 1834.

WE are prepared to execute every kind of Printing in a very superior style, and our charges will be as reasonable as any. ☞ Orders from a distance will always meet the most prompt attention.

A Youth of steady and industrious habits, of moral disposition, and possessing a good education, who may be desirous of learning the Printing Business, will be taken as an Apprentice at this Office.